Decision delayed on exhumation

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FORT WORTH — The mystery of who lies in the grave marked Oswald in Rose Hill Burial Park will remain unsolved at least one more week because a Fort Worth district judge declined Monday to rule on whether the body can be exhumed.

State Dist. Judge James Wright postponed a decision on whether to grant a temporary injunction barring exhumation of the body or to lift the restraining order preventing exhumation.

Wright had been expected to rule at the end of testimony Monday morning on the suit Oswald's brother, Robert Oswald of Wichita Falls, filed Aug. 14 to halt the exhumation on the grounds it would cause him mental anguish.

After hearing an hour of testimony, Wright asked attorneys to submit briefs to him by Sept. 16 to clarify their stands.

Wright is expected to make his decision Sept. 17 or 18.

IF WRIGHT lifts the temporary restraining order, Oswald's attorneys said, they probably will appeal to the Texas Court of Civil Appeals.

Robert Oswald is suing the cemetery and Michael Eddowes, a British lawyer who says the man who shot President John F. Kennedy in 1963 and who is buried in Oswald's grave is not Lee Harvey Oswald.

Eddowes says he wants the exhumation to prove his theory that the body is that of a Soviet agent who resembled Oswald.

The exhumation was scheduled Aug. 15, but Oswald's suit has postponed action indefinitely.

"I'm disappointed there wasn't a quicker decision," Eddowes said after he learned Wright made no ruling. He declined further comment.

Most of the testimony centered on whether the cemetery plot in Rose Hill is owned by Lee Oswald's brother or his mother, Marguerite Oswald of Fort Worth.

EDDOWES' ATTORNEYS, John Collins and Cue Lipscomb, produced a copy of the deed indicating the plot was purchased by Oswald's mother in August 1961, more than two years before the Kennedy assassination.

But lawyers for Oswald questioned the admissibility of the deed copy. Neil Wretberg, general manager of Rose Hill since last January, testified he could not supply the original deed because it was sent to Marguerite Oswald, a customary procedure in the sale of plots.

Craig Fowler, Robert Oswald's attorney, questioned the fact all other documents pertaining to the plot, including record of its sale, are dated November 1963 — the time of Lee Harvey Oswald's death.

After the hearing, Fowler speculated cemetery officials sold the plot to Robert Oswald after his brother's death but sought to allay controversy by recording that Marguerite Oswald bought the plot two years earlier.

"I can't prove that. It's just my speculation," Fowler said.

Gene Seltzer, general manager of Rose Hill at the time of the transaction, is dead.

Lipscomb testified he has been trying since Thursday to serve Mrs. Oswald with a subpoena to testify in the case but she has not been at home.

Dr. Linda Norton, a pathologist for the Dallas County medical examiner's office, testified she has obtained copies of Oswald's chest and dental X-rays from the time he served in the Marines during the late 1950s.

Those X-rays would determine easily whether the body in the grave is Oswald's, she said, because "everyone's bones are different from everyone else's."